

NEWINGTON TOWN PLAN AND ZONING COMMISSION

July 22, 2009

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:10 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Casasanta
Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Camerota
Commissioner Lenares

Commissioners Absent

II. PUBLIC HEARINGS

- A. PETITION 16-09– Hunter Development Company, P.O. Box 336 East Long Meadow, MA 01028, Attention Michael Frisbie applicant, HDC One, LLC owner, request for amendment Petition 35-06 Section 5.2.5 Special Exception B-BT Zone District. Schedule for July 8, 2009. Public hearing continued to July 22, 2009.**

Chairman Hall: If the applicant is present, come forward, please state your name and address for the record.

Michael Ziska: I am Michael Ziska representing Hunter Development Corporation, the applicant tonight. With me is Michael Frisbie, a principle of the company. We made our presentation last time, we are basically here to answer any questions that you may have at this time, or to provide any other information that you feel that you may need.

Chairman Hall: Ed?

Ed Meehan: Thank you. I do have a staff report which the Commission members have, this was just prepared this afternoon so I want to make sure the applicant, both have copies. I appreciate the extension granted through the Commission, it gave staff some additional time to look at the proposed request for amendment. That is the purpose of this staff report. I went through the letter that was submitted back in May by Mr. Frisbie and listened to the comments at the last public hearing and suggest that if the Commission is going to consider to work with the applicant and consider the amendments that he would like to put in place, to re-order the phasing of this project, essentially revolving around the Certificate of Occupancy for the gas station, these eight points are some suggested clarifications to those procedures and filling in some of the blanks in

some of the areas that I think are kind of vague as to what the Town would get in each of the phases, and what I would essentially recommend is that we start with some sort of a phasing map, which would illustrate what phase one includes, if I could put this up, I don't mean to take the applicant's presentation from him, but what I mean by this phasing map is other than to attach this agreement which would illustrate for the parties involved here, as I understand the amendments being requested, phase one includes the gas station, convenience store, all the site improvements inside the right of way line, along the front of East Cedar Street and Russell Road, and the construction of the 9,000 square foot shell retail store. Phase two is shown in blue, and phase two is essentially the interim phase as well as what is called phase two in the agreement, and that would be the two pad sites for the restaurant at the corner and the proposed bank, and phase three would be the upper part of the site, the area where the proposed hotel would go, and I think that would give some framework to what this agreement is all about. So that is one of the changes that I suggest here. I'm also suggesting that there be a little bit more clarity as to what would occur in the interim phase, or phase two. The way I looked at the site development plan and, correct me if I'm wrong, we're looking at, in phase two where the bank and restaurant would be, a site plan constructed up through the binder in that area which would include your underground utilities stubbed off, storm water detention basins put in and the binder course with whatever curbing and erosion control measures that the Town Engineer would recommend. The other areas here would be some checks and balances on a typical bonding requirements for uncompleted work, at each point during the phasing, which is typical now, that is already in the zoning regulations. Before Certificates of Occupancies are issued, we can ask for site bonding. A reference to a commitment that I believe Hunter made last winter, January, and also contained in the State Traffic Commission certificate that they would possibly try to work with the property owner to the west, the twenty-eight acres to the west, with regard to future possible shared access out to the required traffic signal. I think that is important to keep in mind because of the Commission's concern for traffic safety in this section of East Cedar Street as well as the State Traffic Commission requirements, this is a state highway, as is Russell Road. Finally, the other comments suggested here to clarify better the amendments would be referenced to the project's architectural elevations, which were done by Brown, Lindquist for the gas station, proposed bank, retail store, hotel and restaurant. That pretty much summarizes what I would suggest the Commission consider if you do decide to amend this Special Exception. There may be things that each Commission member has questions on that they would like the applicant help visualize as to what is going to happen here as each phase goes forward to make this site happen. We know that there is a substantial amount of off site work tied into this which is going to have to be completed and approved by the Department of Transportation. It's very expensive to do that, so it's important that that gets done coincidental with any building use on this property. So that is pretty much what I have to say. Thank you.

Commissioner Pane: Madam Chairman, Ed, could you explain on Item 4, the retention areas two and three, where are those on the site plan? Are those located, what phase are those located in?

Ed Meehan: Those would be in the blue area, detention area one is the large basin in front of the gas station, the drainage system then has three other detention systems. Two is in the parking field between the proposed restaurant and bank, three is up in this parking lot area, and four would be a separate and complete system for the hotel. So to build out the interim phase area, the detention basin should be put in, coincidental with the two pad sites. The site is being drained from west to east into the street system.

Commissioner Pane: Thank you very much.

Chairman Hall: Have you had a chance to review these?

Attorney Ziska: We have had a chance to look at these and we have no problem with any of these proposed conditions. Actually one comment I would have, just for consideration, Ed, you had proposed for the second item, "and approved by the Connecticut Department of Transportation". The improvements were already approved by the Department so my suggestion would be, and in our phase one proposal we said "all approved off site roadway improvements shall be completed," so I might suggest just slight change in language, "as required by the Connecticut Department of Transportation."

Ed Meehan: I don't have a problem with that. Essentially what will happen is the applicant has the STC Certificate, he would next apply for an encroachment permit, and put his bond up with the District, District One would give final approval, so that language is fine.

Attorney Ziska: Okay, thank you.

Chairman Hall: Any questions, comments? Anyone from the public wishing to speak in favor of this petition? This is the time, come forward, state your name and address for the record? Anyone wishing to speak in opposition to the petition? Anyone just wishing to speak on the project? Seeing none, back to the Commissioners. Anybody have any other comments or questions at this time?

Commissioner Pane: Make a motion that we close this, Madam Chairman.

Chairman Hall: I did hear that.

Commissioner Ganley: We need some kind of drawings I take it, from all this, your engineering department, or our engineering department needs some kind of drawings as it relates to the stipulations on the drainage and retention basins?

Ed Meehan: No, that is all contained in the approved site plan and the drainage manual that was submitted back in 2007 and approved. The only thing that I think I would need to work with, with the applicant is to do a more refined phasing map, that would be attached to some sort of Certificate of Action, but if the Commission votes on this, would be part of the record, but essentially all of the architectural elevations referred to here, the engineering plan, the site plan, are all part of the record already in the planning and engineering office.

Commissioner Ganley: Thank you.

Commissioner Pane: Madam Chairman, could we hear from the applicant on the phasing application that, phasing map that the Town Planner has proposed.

Michael Frisbie: For the record, my name is Michael Frisbie, I'm with Hunter Development Company, I'm the owner of the property at 751 Russell Road. The map that Ed had highlighted for you represents exactly what our phase in plan would be, based on the letter that I had submitted originally and we have no objection to creating a more official map if you will, to attach to any amendment to our proposal.

Commissioner Pane: Thank you.

Chairman Hall: Any other questions, comments?

Commissioner Pane moved to close Petition 16-09. The motion was seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Pane: Madam Chairman, I don't know if it is appropriate now or later in the meeting, but I would like to make a motion to move this to Old Business, Petition 16-09 Hunter Development Company, P.O. Box 336 East Long Meadow, MA 01028, Attention Michael Frisbie applicant, HDC One, LLC owner, request for amendment Petition 35-06 Section 5.2.5 Special Exception B-BT Zone District. Schedule for July 8, 2009. Public hearing closed on July 22, 2009.

The motion was seconded by Commissioner Casasanta.

Commissioner Schatz: I think with what Ed has said to us, and so on and so forth, not that I wouldn't like to get rid of this, but I think he is going to meet with the applicant, and go over some of those things, so that when it comes back to us, all the i's are dotted and the t's are crossed and we're okay to go ahead.

Chairman Hall: I tend to agree with that. This is, there is a lot of information here and I just want to make sure that both sides fully understand what is expected. That is we are going to approve it that we will have something that we all know exactly what it is that we're going to approve or disapprove. So I would rather, instead of rushing it to the end of this meeting I would rather see it, but it is up for a vote.....

Commissioner Pane: Just a little discussion beforehand. I would like to just make a comment that the applicant has agreed to the staff report done by the Town Planner in completion. He has agreed to everything and he has agreed to the entire phasing and he's been delayed a long time on this, and that's the only reason Madam Chairman that I thought it would be nice to move the applicant along. I know how hard it is for a developer to get a project going and at the last meeting he mentioned how it's possible he could lose his financing if he didn't get going on this. Thank you Madam Chairman.

Chairman Hall: Any other comments for discussion?

The vote was not in favor of the motion with three voting Yea (Pane, Casasanta, Pruet) and four voting Nay (Ganley, Schatz, Hall, Kornichuk.)

Chairman Hall: We will move this to the next meeting and also specific, if we are going to approve it, what the next phase is as far as going back, what our next phase would have to be with regard to the stipulated agreement, how we are going to handle that.

Ed Meehan: Do I have the Commission's permission to maybe draft into his proposed amendments what I am suggesting, so when I come back to you at the next meeting, we have one unified document?

Chairman Hall: Yes. That's what we are looking for, so that is why I want you both to get together and know exactly what we are voting on, and that will be the final product at that time.

Ed Meehan: Okay.

Chairman Hall: Thank you.

Attorney Ziska: Thank you.

B. PETITION 20-09 – 3066 Berlin Turnpike, Sphinx Shriners owners and applicant, represented by Dick Cassada, P.O. Box 31057 Newington, CT 06131-0157, request for Special Exception Section 3.2.8 Charitable and Civic Event Classic Car Show, August 15, 2009, rain date August 22, 2009, PD Zone District. Public Hearing continued to July 22, 2009.

Chairman Hall: If the applicant is here, if you will come forward, state your name and address for the record, please.

Dick Cassada: Good evening, my name is Dick Cassada, I'm the potentate and CEO of the Sphinx Shriners in Newington, CT. My address is 72 Lamplighter Lane, Newington.

Chairman Hall: Thank you. Tell us what you would like to have on this site.

Dick Cassada: What we are going to do is to have a car show, very very similar to the event we held last year. I have a drawing here to show you, this is last year's. This lawn area here, and this lawn area here is where we will park all of the cars. We have this big area over here, actually here, which has been freshly mowed and the hay has been taken off of it, so this will form overflow parking for spectators. All the rest of the spectators will park in the paved parking lot areas on either side of the property. Entrance for the cars, the show cars, as well as the spectators will be from the Berlin Turnpike side or from 191 Deming Street.

Chairman Hall: Can you give us a little perspective on the color map, and also Deming, you are talking about the Sphinx property which faces the Berlin Turnpike but the back section is also on Deming.

Dick Cassada: This is our building right here, the Shrine building, this lawn area, and this lawn area will be for display of the cars, this lawn area down here, which is freshly mowed will be for overflow parking, otherwise spectators will park in these areas, paved areas and paved area directly in front of the building. Entrance from the turnpike, or entrance from Deming.

Chairman Hall: Is this at all different from what you had last year?

Dick Cassada: Identical to last year.

Chairman Hall: And how did last year work out?

Dick Cassada: Very, very well.

Chairman Hall: And you actually had rain as well, as I remember.

Dick Cassada: Not until the very end.

Chairman Hall: Okay, and no problems.

Dick Cassada: No problems, parking was not an issue at all, the police put up these little no parking signs along Deming which worked perfectly, no one parked there, we didn't have to do anything about it, everyone just knew and they parked in the appropriate areas.

Chairman Hall: Ed?

Ed Meehan: The only comment that I have is the point that Dick just made, the coordination with the police department to get out the No Parking signs on either side of Deming because of the

vertical curve on that street and that would be a wise thing to do for traffic safety and people in the neighborhood may want to cross into this site.

Chairman Hall: Any quick questions before we go to the public?

Commissioner Pruett: What are your hours of operation going to be?

Dick Cassada: The hours of operation, well, let me pass out a little flyer, the hours of operation are going to be from nine a.m. to three in the afternoon.

Chairman Hall: Any other questions from anybody? Thank you. Anyone from the public wishing to speak in favor of this petition? Anyone wishing to speak in opposition? Anyone wishing to speak? Questions from the Commissioners? This was something that happened last year, it was successful.

Commissioner Aieta: Because of time periods I suggest that you move this to Old Business and act on it tonight.

Commissioner Kornichuk: Second.

Chairman Hall: He really can't make a motion tonight.

Commissioner Pane: I'll make a motion that we move this to Old Business, Madam Chairman.

Commissioner Kornichuk: I'll second it again.

Chairman Hall: He put it on there, so we should be fine,.

Commissioner Pane: I would like to also make a motion that we allow him to do it not only for this year, but for next year because there hasn't been any problems. If he is going to hold this event next year, that he can handle this through our Town Planner. They've got a good track record and I don't see any problems. I think that he should be allowed to do this for this year and the following year. Thank you Madam Chairman.

Chairman Hall: Now I have a question also because of this year. The car show in the center of town had to go to the third date, he has the 15th and the 22nd, what if he needs more time? He wouldn't have to come back to us? Can we just automatically give him at least another, would you be willing to do that? I mean, you'd have the time to do it, if it goes to the third Saturday?

Dick Cassada: Oh, absolutely.

Chairman Hall: All right, can we do that too?

Ed Meehan: Yeah, when you get to it on your agenda, because it is under Old Business, Item C.

Commissioner Ganley: What you are saying, we would defer to Ed, an administrative decision that we are delegating to you to grant the extensions beyond the 22nd.

Chairman Hall: Yeah, we'll talk about that when we get to it under Old Business but I just thought I would plant the seed. We will close that petition.

C. PETITION 23-09 – 153 Carriage hill Drive, Miriam P. Levinson owner and applicant, 153 Carriage Hill Drive, Newington, CT 06111 request for Special Exception Section 6.13 Accessory Apartment, R-12 Residential Zone District.

Edward Joy: I'm Attorney Edward Joy, 128 E. Center Street, Manchester, CT., and I'm here on behalf of Miriam Levinson who is to my right and from 153 Carriage Hill Drive. We have an application here for approval for an accessory apartment in the basement of this home. I'll give you a brief little background on it. My client bought the house in 2003 from someone who had owned it for approximately 20 years, who bought it from the original owner. The house was built in 1969. I got a call from the attorney for the new buyer who said, the new buyer loved the second kitchen in the basement. That brought us to the building department and found out that there had never been any permits taken out for this kitchen in the basement. Building permits have been taken out by my client, electrical, plumbing and building which have all been signed off on by the Building Department. Of note is the conclusion made by the plumber who inspected that it was their opinion that the bathroom and the kitchen on the first floor, basement level, were original construction of the house. So one person who has been there said, it has certainly been here since the house was built in 1969. It does fit all of the ramifications of an accessory apartment. It has its own exit, it has a door separating it from the upstairs, my client did utilize it as an accessory apartment, her daughter lived there and it's my understanding that the new owners, if this application is granted and we can close on this house, intend to use it also for a family situation. I believe the mother in the basement and a couple on the second floor. So we ask that you approve this as an accessory apartment and if you have any questions, if I can't answer them, I'll have Ms. Levinson do it.

Chairman Hall: Ed?

Ed Meehan: The staff report is on the table giving you some additional background. I went through the information submitted by the applicant, this is for Petition 23-09, and compared the information that was submitted by the property owner with the standards for Section 6.13 Accessory Apartment. I would say in all situations with the exception of an A-2 survey this particular raised ranch, split level, raised ranch complies with the standards of 6.13 which were just recently incorporated into the regulations about a year ago. The attorney said basement, but it is really a split ranch, so it has a walk-out situation.

Ms. Levinson: It's on ground level.

Ed Meehan: Ground level, thank you. There are pictures that I am going to pass around of the property, I've attached Mrs. Levinson's drawing of the floor plan layout, the letter certifying ownership and occupancy for herself and her daughter, an aerial shot from our GIS map that shows 153 Carriage Hill, an aerial photo, a 2003 photo, shows two cars in the driveway, looks like one was either backing out or parked over the street line and then the assessor's card, talking about the gross living floor area and so forth. So items one through nine, the property is in the R-12 district, that complies, owner applicant, resides on the property, with her daughter, she submitted a brief note on that, there is an existing structure, no additions are proposed, the plot plan and GIS map indicate that it does meet the side yard setbacks, the existing accessory is about twenty-two percent of the gross floor space, which is under the standard of thirty percent; it has existing internal access from the front hallway as well as external access from a backdoor out from the kitchen to the backyard; no exterior modifications are proposed so the architecture of the building stays the same; it's an existing one bedroom with its own bath and kitchen; driveway has adequate parking for at least three vehicles; definitely two, you could probably get three, probably four if one was parked in the garage; and number nine, the applicant's attorney verified that it is on the market for sale and occupancy is underway. It's somewhat an unusual situation, after the fact, but that's the story.

Chairman Hall: Any questions before we go to the public? No questions quickly from the Commissioners? Thank you.

Attorney Joy: Thank you.

Chairman Hall: Anyone from the public wishing to speak in favor of this petition? Come forward, state your name and address for the record, please?

Susan Shide: My name is Susan Shide, and I am purchasing Miriam's house. The only reason, the situation is, I lost my husband last June, and I could not afford the house that I was living in, so I'm going to be moving in with my son-in-law and my daughter and I would be the one who would be living downstairs. The house is absolutely beautiful and unfortunately for poor Miriam, she had to go through this. She purchased it and she didn't have any background on knowing that you needed it inspected and all that. She is a single person herself too. So I wanted to say, this is the situation and it is just unfortunate that Miriam has to go through this. But my real estate agent and my lawyer advised me not to purchase this home until it was done the right way, so that is why we are going before the board to get it approved.

Chairman Hall: Thank you. Anyone else wishing to speak in favor of this petition. Anyone wishing to speak in opposition to the petition. We do have a letter that I am going to read. It was addressed to the Newington Town Plan and Zoning, dated July 15, 2009. "We are writing in reference to the Petition 23-09, 153 Carriage Hill Drive, Mrs. Miriam Levinson. We are neighbors who live at 177 Carriage Hill Drive. My husband Edward and I, Carol Becan, urge the Commission to reject this petition. This has been a single family neighborhood for over forty years. We do have two homes that have in-law apartments in them and they have always been occupied by family members, Mrs. Levinson being one of them. Mrs. Levinson has been trying for several months to sell her home without success. I think her plan is to get the exception and put her home on the market as a two apartment residence, opening the way for someone to buy it and rent out both units. This would mean good and/or bad tenants to move in. Most of the time renters have no interest in taking care of the property as we all do as home owners. To us this opens a can of worms, possibly letting other owners to consider the same thing. We respectfully request that you deny her request and leave this neighborhood as it has been for over forty years and not become an area that might become transient. Thank you for your consideration. Unfortunately we are unable to attend the hearing and many of our neighbors are on vacation and we were not given much notice as to what was on the agenda. Again, our thanks for your consideration." Sincerely Carol A. Becan, Edward J. Becan. Again that was from 177 Carriage Hill Drive, for the record.

Anyone just wishing to speak to the petition? Come forward, state your name and address for the record please.

Roger Levecque: My name is Roger Levecque, and I live at 418 Willard Avenue, Newington. I am Susan's son-in-law, I'm going to be purchasing the house with her. I understand their concern, but we are going to do the same that they are doing. I don't plan on renting to anybody, we just want to be able to buy the house and move on with our lives. The only reason that we are going through this is not so we can collect rent, but so that I can buy the house legitimately as an in-law, as the paper work says, and my mother-in-law can live with us and we can move on. We've been dragging poor Miriam through this, and this is the last step, and I understand their concern if they think someone is going to come in and rent the basement, but that is not what we are going to be doing. We just want to buy the house.

Chairman Hall: Thank you. Anyone else wishing to speak?

Attorney Joy: If I could just be heard one more time. I do understand the concerns of the neighbor, any of the neighbors who didn't show who may have the same concerns, but they would have an avenue to complain, there would be a zoning violation if Miriam, or the new owners were to rent the apartment to non-family members. I believe an accessory in-law apartment.....

Chairman Hall: No, sorry.

Attorney Joy: It used to be that way. But again, it has been used this way for six years with my client and I'm not sure about the people before that, they were there twenty years too. Thank you.

Chairman Hall: Any Commissioners have any comments at this time?

Commissioner Ganley moved to close the petition. The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of closing PETITION 23-09.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

July 8, 2009 Regular Meeting

Commissioner Pruett moved to accept the minutes of the July 8, 2009 Regular Meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

V. COMMUNICATIONS AND REPORTS

- A. 2020 Plan of Conservation and Development Second Draft 7-22-09 for Public Hearing scheduling. Glenn Chalder, President, Planimetrics.

Chairman Hall: I don't know if I want to do mine now, or at the end. I think I'll wait. I have a letter from Mr. Salamone and I want to give you the whole background, so instead of holding them up, because I think we may have some discussion on that.

Plan of Conservation and Development. Did you have any other communications that you want to do now?

Ed Meehan: No, well, the CCROG Plan of Conservation and Development, regional plan, draft, summary, Tom Ganley was good enough to get the full draft document which I have if members want to see it. Just some information for you.

For your own Plan of Conservation and Development, the second draft, July 22nd, Glenn Chalder, President of Planimetrics is here this evening. Since you last met and had a good discussion of this, of both the text and the future mapping, we developed a list of modifications which I shared with you a couple of meetings back. Planimetrics has worked on that, and prepared this draft, we're requesting that it be released for the sixty-five day public hearing review period and begin the process of formally involving the town council, other boards and commissions, putting it up on the town web page, notifying Capital Region Council of Governments, so that right after the Labor Day Holiday we can have our public hearing. We welcome Glenn to come up so if there are any questions that you have of him. He has made a

very creative effort on cover concepts, as well as the substantive part of the plan. I showed you this concept last meeting, I'll pass it around some more. Food for thought on how to get people to open the cover and find it something that they want to look at, rather than a typical government document. It's going to be around for ten years, so we want to make sure it looks fresh when people see it.

Commissioner Pane: I have a concern Madam Chairman and Town Planner. We have a 1995-2005 Town Plan and we discuss things in this Plan and we're, as a Commission we are supposed to follow it, and as a Town we're supposed to follow it. Uniform signage is in our Town Plan, is in our old Town Plan. Why do we put a Town Plan together if our Town Manager is going to ignore it? Just like to make that comment for the record. Thank you.

Chairman Hall: Anyone else have anything at this point, or question for Glenn?

Commissioner Pane: I do have a couple of other comments, Madam Chairman. I'd like to make sure that the Town Planner goes over the acknowledgement sheet with him, to make sure that the alternates are correct on there, and I'd like to see that moved to the front, like the last Town Plan, to the first page. There was also, I wanted to ask, did you change any of the maps or you are waiting until the end to change the maps? There were a couple corrections on the maps.

Glenn Chalder: I think, our understanding from the comments of the Commission at the last meeting was the text changes, the map changes the Commission requested have been made at this point. If, for whatever reason what we have mapped here is not your understanding or intent, now would be the time to let us know that.

Commissioner Pane: Yeah, the map that I requested, residential development zone map on page 33 is still wrong.

Glenn Chalder: In what respect?

Commissioner Pane: On the corner of Church Terrace, hold on, maybe that's not the page.

Ed Meehan: I think you are talking about the zoning map.

Commissioner Pane: Yeah, I'm going to go to the zoning map now. Is that corrected, Ed?

Ed Meehan: Based on our understanding of what the zoning is, and the assessor's card, we think we have it right.

Commissioner Pane: What page is it?

Ed Meehan: Page 13.

Commissioner Pane: Page 13. It's not correct. As I said, the corner of Church Terrace and Church Street, that front lot is not R-12, R-7 you have, or R-12. It's an R-20, so you have it wrong on the town records.

Ed Meehan: Well, we go by the town records.

Commissioner Pane: What?

Ed Meehan: I go by the town records.

Commissioner Pane: Well, it's wrong. That map's wrong. Check the other records, go back in the, go back to the approval, and you will see that that's an R-20 lot and then the next one in back of it is supposed to be an R-12 lot on both sides, back according to the original approval of that development, and I'd like that corrected.

Ed Meehan: Okay, I'll check it again. We can make that correction but I did go back and check what is on the assessor's cards as well as the last two zoning maps.....

Commissioner Pane: Well, something was missed from the approval of that original development, and it's not correct.

Ed Meehan: Okay, we'll make note of that. I would say that, I would still encourage you to bring this forward to public hearing and we'll keep a log of items like this, so we don't keep making changes until we have our public hearing digested.

Chairman Hall: Any other comments, questions?

Commissioner Ganley: Just an overall comment. I have been asked to convey to you Mr. Chalder the appreciation of the Newington Rotary Club and the Chamber members that were present at the time for the presentation that you and Ed made at that particular meeting. It was well received, and very informative. I've been asked by the Chamber president to bring to, and drop it off at their office, a draft copy of what's going to go to the Council. Another copy is to go to this gentleman, Walter, from Roma Tailor who is the Chairman of the Central Business District Group. He would like to see a draft. He asked me to bring him a draft copy also.

Glenn Chalder: Thank you for lunch that day.

Chairman Hall: Other comments, questions?

Ed Meehan: I just want to spend a minute on the future development maps which are really the important part of this plan in the sense that these are your strategy policies and long term guidelines.

Commissioner Lenares: What page, Ed?

Ed Meehan: Page 32, which is the residential, the map facing page 32, the residential development plan. I think this is adequately reflecting the discussion that we had about how to treat that hill side area of Cedar Mountain. It's been covered as resolved desirable zoning in this area. Again, I think you were looking to put it out that way, and seek public hearing input and that's also reflected on subsequent maps, business development map on 39, and then you get to your future land use plan. I believe the comments that were exchanged have been addressed. I know I talked to Marian Amadeo at the library about their request to move up some comments about the library and the opportunities to develop across the street and do a campus type concept here with Mill Street. Those are now reflected here as well as traffic calming and the possibility of opening this road back up to Cedar. Planimetrics has done a nice job on page 48 of showing the Maple Hill/Alumni realignment and the concept there as well as the athletic fields further north up along Alumni. I know we have to do some editing, the acknowledgement page and things like that, but I think you have a very readable document to bring forth to the public, and staff will endeavor to work with the consultant and get a set a pictures again that represent some of the things that we talked about at these various locations. These are place holders in here and if there is any feedback on cover concepts, any of these, or none of these, or variations of these, we'll work on it.

Chairman Hall: As you said before, it is really a very readable document and the Table of Contents leads you where you need to go and I found it very good, and I was just going to make the comment that the pictures are place holders, so those are still to be determined. Ed, what is the, you started this with the next phase as far as what the schedule is now, if we accept it, if we don't have any more questions, where does it go from here?

Ed Meehan: Well, tonight we would ask you to stick with the public hearing date of October 7th, which would be a special meeting night, the first Wednesday in October. With that date, we will back that up and make the formal referral to the Town Council. Under the procedures the Council gets the sixty-five day review of this and so it would be available on their forth coming agendas and staff would be available to meet with Council on this. We will also make courtesy referrals to all the other boards and commissions, and we will keep our eye on the statutory procedure requirements for the public notices and web page postings so that we make sure that this gets as much exposure as possible.

Commissioner Pane: Madam Chairman, that doesn't mean that we can't in the meantime until the public hearing make a few minor changes or add things or.....

Ed Meehan: Exactly right, this is still a draft, it can be marked up.

Commissioner Pane: I would like to see the Commission talk a little bit more about the density levels that we have in certain areas. I know last meeting, I don't know if it is appropriate at this meeting, but maybe the next meeting we can talk about the Children's Hospital piece across from the center of town and having retail and housing and then we talked about, I think in here, having some higher density in there and then I think some comments were brought up that maybe we should consider a lower density, not a higher density. I mean, where do we want to bring the Town of Newington? Do we want to add a lot of housing, or do we want to keep it on the smaller scale path? Another area would be, since the town is aging, where do we want to have some extra senior housing available for the town? Also making sure that the senior housing has possibly club houses available for them so it's a better environment for them, so I think this Commission has a few more things that maybe we should talk about in the next couple of meetings just to clarify things that are in the town plan. Thank you.

Chairman Hall: Thank you. Any other comments? I think we feel comfortable going onto the next phase. Thank you very much, Do you have any comments?

Glenn Chalder: I think the Commission should probably make a motion to schedule a public hearing which would give us a record for starting the sixty-five day clock. Would that be appropriate?

Ed Meehan: It would be good to have, I have mentioned it at staff, but I agree, I think it should come from a Commission member.

Chairman Hall: Do you want us to use the date of October 7th?

Ed Meehan: October 7th, please.

Commissioner Pane moved to send the Plan of Conservation and Development to public hearing on October 7, 2009. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with seven voting YES.

Chairman Hall: Thank you.

VI. NEW BUSINESS

A. PETITION 22-09 – 121 Styles Avenue, Lenares Landscape and Design, 76 Stonehedge Drive, Newington, CT 06111 applicant, Lenco Realty, LLC owner, Contact Alan Bongiovanni, 170 Pane Road, Newington, CT 06111 request for Site Plan Modification Section 5.3 to add 1,400 sq. ft. to an existing 1,200 sq. ft. commercial building, I Zone District. Inland Wetland Report Required.

Commissioner Lenares recused himself from PETITION 22-09.

Alan Bongiovanni: Good evening Madam Chair, member of the Commission, Staff. For the record, my name is Alan Bongiovanni representing Lenares Landscaping Design in this application for an addition to an existing building at 121 Styles Avenue. The subject property is home to Lenares Landscaping. They have in the southwest corner of the site a 1200 square foot building. That is the right side of the plan that I am showing here. They are proposing to expand it by an additional 1400 square feet of basically garage space. What it will allow Mr. Lenares to do is to house some of his equipment that sits out year round in weather, and wears out because of the weather, to put it inside of the building and protect it from the elements. It's not really an expansion of the business, it's not to bring more equipment on the site, although as long as it fits, he has the right to do that, it's just to basically take care of the equipment that he has as well as to facilitate working on the equipment in the winter months when they are slower, and taking care of equipment from plowing operations. It is in conformance with the zoning regulations for both set-back, height requirements. It meets all the requirements and regulations. It's an existing use, the utilities are there to serve it. It is currently before the Wetlands Commission because it is within the one hundred foot regulated area but this is an as of right addition to an existing building and we hope that the Commission will feel the same. If you have any questions, I'd be happy to answer them.

Commissioner Aieta: This is similar to what you brought in a couple of months ago at the Costello piece?

Alan Bongiovanni: Correct.

Commissioner Pane: Alan, is the drain inside, is that going to go to an oil/water separator?

Alan Bongiovanni: Actually that was put on there by the draftsman that prepared the plans. There probably won't be a floor drain, although if it is required, the sewer lateral goes out through this addition and it would be put into an oil separator. That is required by the health code and the MDC so if that has to be put in, I don't believe that's the actual plan, it would go to an oil separator and then go to the sanitary sewer.

Commissioner Pane: Thank you.

Chairman Hall: Now what is going to be in there, equipment, trucks?

Alan Bongiovanni: Mr. Lenares has several trailers that carry the lawn mowers and things like that, he has small dump trucks that do plowing and bring nursery stock and things like that in the summer months in the growing season, and it's to store and maintain the equipment that he has. One of the things that they do, they have the trailers stocked in the summer with the backpack blowers, the weed wackers, the mowers, things like that. More than one trailer can't fit in the existing building and he has more than one trailer, so that stuff is left outside in the weather, and is more susceptible to vandalism. This will protect his investment in his business.

Chairman Hall: Did you say that they do have sewer service there?

Alan Bongiovanni: There is sanitary sewer and MDC water, the manhole and the main runs down in this direction. This is the lateral that comes from the existing building, it's going to go under the addition and it goes (inaudible.) Water service comes up from Styles Avenue, it was recently installed.

Commissioner Pane: Are you going to match the block and the siding and everything?

Alan Bongiovanni: Yes, same colors same materials.

Commissioner Pane: Very good. Thank you.

Chairman Hall: Any other questions.

Commissioner Schatz: The building that is there is very attractive.

Alan Bongiovanni: I agree.

Commissioner Schatz: I think it's a nice yard.

Alan Bongiovanni: I think they take pride in their business and do a very nice job and is looking to enhance what he has, not compromise what he has.

Commissioner Schatz: Side yards are okay?

Alan Bongiovanni: Yes, side yards, rear yards, all the set backs are adequate.

Chairman Hall: Any other questions? Ed, do you have anything you want to add?

Ed Meehan: No, I met with the applicant and his professional ahead of time. It meets all your zoning standards. It's going into an area that is already hard packed or paved, so there is no real change in the impervious surface coverage. You just need to wait and hear the Conservation Commission report back to you. It was presented last night, and they meet once a month so you will have this back, not in time for the next meeting, probably your second meeting in August.

Chairman Hall: Any other questions? Thank you.

Alan Bongiovanni: Thank you.

Commissioner Lenares returned to the table.

VII. OLD BUSINESS

- A. PETITION 14-09 - 35 Budney Road, On-Site Gas Systems, Inc., Guy Hatch applicant, Hursey Enterprises, LLC owner, represented by Fuss & O'Neil Inc., Ronald Bomengen, 146 Hartford Road, Manchester, CT 06040, request for Site Plan Modification to add additional parking, PD Zone District. Inland Wetland Commission report required. Decision period extension granted for receipt of Inland Wetland Commission Report.**

Commissioner Casasanta moved that PETITION 14-09 - 35 Budney Road, On-Site Gas Systems, Inc., Guy Hatch applicant, Hursey Enterprises, LLC owner, represented by Fuss & O'Neil Inc.,

Ronald Bomengen, 146 Hartford Road, Manchester, CT 06040, request for Site Plan Modification to add additional parking, PD Zone District be approved based on the plan entitled "Parking Lot Expansion" dated 6-12-09 revised scale 1"=20' prepared by Fuss & O'Neil: Sheets CS-101, CG-101 and CE-101. The Conservation Commissions Inland Wetlands permit is acknowledged and made a part of this approval.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Discussion? Ed, do you have anything to add?

Ed Meehan: I see the project engineer is here, he's been very patient I think for six weeks, this has gone through the site plan presentation with this board and was well received. It is helping a business that does need this on site parking expansion for their operations. Conservation Commission acted on this last night. The Town Engineer is satisfied with the plan as well as the drainage and erosion control measures and that is why the motion was put forth tonight. I know that he spent a lot of Tuesday nights here with Conservation and a couple of times didn't have a quorum so I apologize for that.

Chairman Hall: And that's the important one, once he's got the Conservation approval.....

The vote was unanimously in favor of the motion with seven voting YES.

B. PETITION 18-09 647 North Mountain Road, BAPS Hartford, LLC, owner Nikhil S. Vyas, applicant, VB Tech Corporation, 2049 Silas Deane Highway, #1E, Rocky Hill CT 06067, request for Special Exception Section 3.2.1, Places of Worship – Residential Quarter, B-Business Zone District. Public Hearing closed July 8, 2009. Sixty-five day decision period ends September 11, 2009.

Commissioner Pruett moved that PETITION 18-09 647 North Mountain Road, BAPS Hartford, LLC, owner Nikhil S. Vyas, applicant, VB Tech Corporation, 2049 Silas Deane Highway, #1E, Rocky Hill CT 06067, request for Special Exception Section 3.2.1, Places of Worship – Residential Quarter, B-Business Zone District be approved based on property boundary survey for 647 North Mountain Road, Revised dated 6-27-09, prepared by Sargis Associates, Inc. showing proposed addition 1,250 square feet to rear of building without changes in footprint; and the Floor Plan Layout, Sheet A-1 and Exterior Elevations, Sheet A-1-1, dated 5-25-09, prepared by VB Technologies Corporation showing the two (2) bedroom one family living quarters at rear of building.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Discussion? Ed, do you have anything to add to this?

Ed Meehan: No I don't.

Chairman Hall: This is something we had put back into our regulations because there really was nothing for it and now this is the Petition that meets the needs of the applicant and meets all of our regulations.

The vote was unanimously in favor of the motion, with seven voting YES.

C. PETITION 20-09 – 3066 Berlin Turnpike, Sphinx Shriners owners and applicant, represented by Dick Cassada, P.O. Box 31057 Newington, CT 06131-0157, request for Special Exception Section 3.2.8 Charitable and Civic Event Classic Car Show, August 15, 2009, rain date August 22, 2009, PD Zone District.

Commissioner Ganley moved that PETITION 20-09 – 3066 Berlin Turnpike, Sphinx Shriners owners and applicant, represented by Dick Cassada, P.O. Box 31057 Newington, CT 06131-0157, request for Special Exception Section 3.2.8 Charitable and Civic Event Classic Car Show, August 15, 2009, rain date August 22, 2009, PD Zone District be approved with the following conditions:

1. No vehicle access or existing onto Deming Street will be permitted except from the existing site driveway.
2. No on-street parking shall be permitted along either side of Deming Street.
3. The applicant is responsible to contact Newington Police Department to coordinate traffic control around that event.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Discussion?

Commissioner Kornichuk: Weren't we going to add a third weekend?

Chairman Hall: Yeah, that's what I want to talk about.

Commissioner Kornichuk: And the second year.

Chairman Hall: Yes, the second year as well. How can we do that?

Ed Meehan: Do you want to add a third rain date, if necessary?

Commissioner Ganley: A third rain date if necessary be approved administratively.

Chairman Hall: Hopefully they won't need it. Maybe by August it will have it out of it's system.

Ed Meehan: And the other one was add a second year?

Chairman Hall: Yes, make it a two year approval. And then, date to be determined for 2010 because he has a specific date for 2009, date to be determined for 2010.

Ed Meehan: Well, like we do with the Kiwanis, they just provide dates to myself and the Town Manager's office and since that is on town property, they provide insurance, this is on private property.

Chairman Hall: You read it, right?

Commissioner Ganley: Yes I did.

Chairman Hall: Can you read it once he is finished with the two additions?

Commissioner Aieta: Are we doing it for one additional year?

Chairman Hall: Correct. It was very successful last year

Commissioner Pruett: Make sure that it doesn't conflict with the other car show in June, through Ed's office.

Commissioner Ganley: Number four, a third rain date if necessary is approved administratively. Five: This approval is for a two year period through 2010.

Commissioner Kornichuk: I'll second it again.

The vote was unanimously in favor of the motion, with seven voting YES.

D. PETITION 21-09 – 3720 Berlin Turnpike, Lowes Home Center, Inc. #623 owner, Bank of America c/o Howard Martin CBRE, 175 Addison Road, Windsor, CT 06095 applicant request for site plan approval to construct a drive-up ATM kiosk in Lowes parking lot, PD Zone District. Sixty-five day decision period ends August 28, 2009.

Commissioner Kornichuk moved that PETITION 21-09 – 3720 Berlin Turnpike, Lowes Home Center, Inc. #623 owner, Bank of America c/o Howard Martin CBRE, 175 Addison Road, Windsor, CT 06095 applicant request for site plan approval to construct a drive-up ATM kiosk in Lowes parking lot, PD Zone District be approved as shown on plans entitled "Bank of America Drive-up ATM Kiosk" prepared by Samioles Consultants, Scale 1"=40', revised dated 6-16-09 indicating the removal of 7 parking spaces for a total of 730 spaces at Lowe's Home Center, and free standing kiosk design by Approach Architects, dated October 17, 2008.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Discussion? Ed, anything to add to this?

Ed Meehan: Nope.

Chairman Hall: Any discussion at all, any questions?

Commissioner Lenares: I have a question, it really doesn't have anything to do with the petition, but was Lowes notified about this going in, and the other stuff that had to be removed as well. Remember we talked about that, that night?

Ed Meehan Yes, they had to sign this as owner of the property. That was the problem the first time this came through, there was a disconnect with Lowes corporate not signing the application as owner. That has all been squared away.

Commissioner Lenares: Thank you.

The vote was unanimously in favor of the motion, with seven voting YES.

**Bond Reduction
256 New Britain Avenue
Bel-Air Manor**

Commissioner Schatz moved that the development bond in the amount of \$47,000 held for completion of site work at Bel Air Manor, 256 New Britain Avenue be reduced to \$5,000 as recommended by the Town Engineer, July 14, 2009.

The motion was seconded by Commissioner Casasanta.

Chairman Hall: Discussion? Ed?

Ed Meehan: The work remaining is fairly minor, has to do with a couple of little drainage pockets that don't seem to be, they are like birdbaths, they have to be cleaned up, and some issues with some of the erosion control measures on the wetland edges that are being encroached upon, and there is also a retaining wall that we are watching there, but the building itself came out very nice. It's a tough site to build on, because of the hillside, but it came out nice.

The vote was unanimously in favor of the motion, with seven voting YES.

**Bond Extension Request
426 Hartford Avenue
LADA Motors, LLC**

Commissioner Pane moved that the site bond completion date for 426 Hartford Avenue be extended to August 31, 2011 as requested by the owner.

Note: The five year site plan completion date for this project is March 28, 2012.

The motion was seconded by Commissioner Casasanta

Chairman Hall: Discussion?

Commissioner Pane: Madam Chairman, I'd just like to hear some facts about this?

Ed Meehan: This is that old gas station on Hartford Avenue, it's past the entrance to Balf Quarry. The bond is a \$34,000 CD posted by LADA Motors. They have done some work cleaning this site up but the principal amount of the bond money is for the grading and restoration, not restoration, reconstruction of the parking and car display area in front and his letter to me asking to bring this to you for an extension said that he needed this additional time because of the economic problems he is having running his business.

Commissioner Pane: How long ago, Madam Chairman, was this site approved?

Ed Meehan: This site was approved March 28, 2007. That is where the five years comes from. He has five years to do the site. He didn't start in business until probably maybe a year ago, two years ago.

Commissioner Kornichuk: I just don't understand, if he has until March 28, 2012 why are we approving something for 2011.

Ed Meehan: Because that is all he asked for. He intends to do the work he tells me, he has five years under the statutes to complete his site plan. The bond agreement was written for the site with one year renewals.

Chairman Hall: Has he done any work on the site?

Ed Meehan: He has cleaned up the yard area, he's taken down a couple of the old light standards, but not really. He hasn't removed the old pavement, he's patched up the areas where the pumps used to be, he did some work on the building, as far as new doors and windows, and he did some work around the back where there was some chain link fence where some old tires

were being stored, but the principal amount of the bond is the boxing out and paving of a new driveway and he had approval for display of a certain number of cars out front, and it hasn't been done. He has a car up there once in a while for sale, but mostly he's doing like engine work, brakes, things like that.

Chairman Hall: Inside?

Ed Meehan: Yeah, he's got two bays. I got the impression that his business plan is not what he needs to continue investing in this site, and I think that is why he is asking for the time to decide whether to keep it or not.

Commissioner Schatz: What kind of a bond is this?

Ed Meehan: It's a CD, Certificate of Deposit and we take the CD and we hold it, and before it can be released the Town Manager has to sign a release form, as does the bank before it goes back to LADA Motors who pledged it. He gets the benefit of getting whatever interest that the CD earns, at one percent, two percent.

Commissioner Schatz: And if he doesn't do what we expect.....

Ed Meehan: You can call the bond.

Commissioner Pane: Unless he sells the property before 2011.

Ed Meehan: He could sell it and then the next guy, well if the next guy wanted to operate a motor vehicle use there, he would have to come back to this Commission. The Special Exception was limited to LADA Motors.

The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ August 12, 2009 and August 26, 2009.)

Ed Meehan: Right now you only have what is being held over from Old Business. That would be Hunter Development would be moved to Old Business, Carriage Hill, Mirian Levinson, and Mr. Lenares site plan. There is nothing right now pending beyond that. Those three items.

Chairman Hall: Anything can change in two weeks.

IX. PUBLIC PARTICIPATION

(For items not listed on the agenda)

Tom Bowen, 22 Woods Way: Good evening. Just a comment on the Plan for Conservation and Development. This is something we have been eagerly awaiting for four or five years, so I'd love to get an early look at it, but that's okay, I can be patient. One thing that I want to make sure, that I want to bring up to this committee is that traffic on Cedar Street I believe is a major issue going forward. There is a lot of development that is being contemplated, and I just think that it is extremely important that this body considers that with every new development that you bring in. I call it the dumb bell problem. You know, we have one end of Cedar attached to the Berlin Turnpike, the other end of Cedar attached to Route 9. Both those ends look like there is an awful lot of development that is being contemplated there. I just want to make sure that this Commission really focuses on that because if we now have destinations on that road, I believe it will very much spill over into our side streets and whatever this body can do to help protect the Town from that type of traffic in-flow I would greatly appreciate it. Thank you for your time.

X. REMARKS BY COMMISSIONERS

Commissioner Aieta: At the last meeting we brought up, I want Ed to give us a report on that Blanche's Food Wagon on Maselli Road, just tell us what transpired?

Ed Meehan: I went down to the site and met with the vendor and also talked to him about the location and what he has experienced as far as customer trade. Talked to the police department about their experiences with the location. It's one of the five or six places that are permitted for street vending and I requested feedback from the police department and then requested the vendor to move his cart a little bit further south on Maselli and place the orange warning cones out. I talked to him about re-orienting it so that his customers queue on the curb side. We looked at that, we walked around out there, at this point I don't think that is warranted. I have concerns about the lawn area, it's kind of rough, bumpy, people could turn their ankle, and it might be unsafe. I did discuss with the police about watching that site for additional traffic when Sam's opens up, which is tomorrow and if, they are going to report back through Lt. Darby, if the situation that the district sees looks like there is traffic or concerns we will be directing the vendor to move off that site. We will take that off the list as far as a vending site.

Commissioner Aieta: When did you meet with him?

Ed Meehan: I met with him, let's see, your last meeting was a Wednesday, I was down there on a Thursday, the following Thursday I missed him, then I went the next Monday.

Commissioner Aieta: Since that time he has not moved his cart at all, as a matter of fact, he moved closer to Pane Road than he was before. Put out a couple of cones, there was an accident on the street there a week or so ago, where a truck driver who had a refuse can, truck had his bed up and knocked down all the wires, I guess he was in such a hurry to get to the food concession there that he forgot to put his tailgate down, I witnessed, and I'm up and down that road a couple of times a day, I witnessed tractor trailers parked in the middle on Pane Road, onto the curb, onto my property on the corner of Pane and Maselli Road. You've got to remember, we've got a development there that we're trying to propose and I don't think it's fair that we have a food concession there. If we let it persist when this development is done, we'll have a food concession guy there all the time.

Ed Meehan: What development is that?

Commissioner Aieta: The development on the corner of Pane Road and Maselli Road.

Ed Meehan: White Birch. Your development?

Commissioner Aieta: Yes. If you are telling them to queue on the grass, they would be queuing on my property.

Ed Meehan: Well, that is the reason that we told them not to do it, that, and it's hazardous.

Commissioner Aieta: It's a bad spot. I know that, if you asked them, I 'm sure that the police don't want them to move over to the industrial site.....

Ed Meehan: No, we're not going to move him to Rockwell.

Commissioner Aieta: What is the difference, if they don't want it over there, why should we take it on Maselli Road? I'm concerned that when our development is done that we have this persistent,

and if we allow him to go for three or four years until our development is done, he's going to think he has an inherent right to stay there forever.

Ed Meehan: Well, he doesn't have an inherent right because it's a privilege to vend on a public street. When that was set up as a vending area, I don't know, ten years ago maybe, it was a dead end.

Commissioner Aieta: Right.

Ed Meehan: And the situation has changed. He got his vending permit I guess earlier this spring, I think his name is Ken Robitelle, so if it doesn't work in the next couple of weeks, with Sam's opening, he's going to have to move. That was told directly to him and the woman he was with.

Commissioner Aieta: The problem is, he's queuing, there are people standing in the middle of the road to get their hot dogs and hamburgs, I mean that are literally on the center line of the road. There are tractor trailers coming in there to service Maselli Road property, and now with Sam's opening, that is their tractor trailer entrance for deliveries, and I'm talking, you know, the big Wal-Mart tractor trailers, that's what is going up and down that road. It's an unsafe condition, and the police department, I'm surprised would allow him to be there. I'm really surprised they didn't look at the traffic.....

Ed Meehan: Well, I'm not sure they put two and two together in this particular case, not knowing what Sam's schedule was.

Commissioner Aieta: I don't think the person who is running this thing wants to move further into, south, then he won't have the visibility on Pane Road.

Ed Meehan: Well, I'll go back because it was pretty clear that he had to move south, unless he doesn't know south from north and you know, he may think that he has the corner on the market there because his eyes lit up when I told him there was going to be more traffic going by.

Commissioner Aieta: It's a good thing for him, but it's a bad thing for the public.

Ed Meehan: It's good and bad, so we will keep our eye on it. That's all I have to report on that.

Chairman Hall: Okay, now that road is now open, Maselli is now open. Is the public going to be using that too, because it has been closed off.

Ed Meehan: As of this afternoon they got their.....

Commissioner Aieta: By using Maselli Road you can go to Sam's, you can go to Stew Leonards, you can go to LA Fitness, it's all interconnected.

Ed Meehan: They satisfied all their site plan and special exception requirements as of about four o'clock today.

Chairman Hall: That will be a pretty busy road.

Ed Meehan: So tonight they are having a soft opening, and tomorrow they are having the Grand Opening.

Chairman Hall: Yeah, and do you have all our invitations for that?

Ed Meehan: I didn't get any invitations, for anybody, I'm sorry to say.

Chairman Hall: The Chamber got it.
Any other remarks?

Commissioner Schatz: Across from National Welding, there is that factory down in the gully, is that empty?

Ed Meehan: It's empty and it's on the market, they are trying to, it used to be an old woodworking shop, L & L Woodworking.

Commissioner Schatz: It's a nice building.

Ed Meehan: It's been looked at by various developers, including Central Connecticut University, so, there are two parcels on that corner that both Central and other private sector people have looked at.

Commissioner Schatz: This has nothing to do with Newington, but when you go up around the corner by Elmer's, there's supposed to be a CVS going in there?

Chairman Hall: Is that what they cleared that spot for, between Manafort and Wells?

Commissioner Schatz: Yeah, and I can't understand why the college didn't buy that property. It's all leveled already and graded, right across from Elmer's. I don't see how they are going to get a CVS in there, thinking about the state with the curb cuts, it's right on the corner.

Ed Meehan: Well, I don't know about that because in the corridor study plan, and in the traffic plan for the busway, one of the concepts was to try to relocate Elmer's, relocate Elmer's and relocate Manafort to line up with the new ramp system out to Route 9 to reduce that traffic queue line that backs up underneath Route 9 all the way back to Fenn Road, so I hope that didn't affect the corner that could make that happen.

Commissioner Schatz: Well, it's all leveled.

Chairman Hall: Yeah, they cleared it last week, in about a two day period.

Ed Meehan: Didn't know about that.

Commissioner Lenares: What happened to the resident that came in last meeting that was neighboring to that Church on Pane and Church Street, and it's kind of two fold, he was complaining because of the water runoff and he was complaining on the other side that his neighbor had a car or something. I know that you were supposed to send somebody over there.

Ed Meehan: We went down the next day, as well as the following week, and his complaint was fair. There are definitely problems with the silt fence and the way that they started their drainage work, so we met with the Chairman of the Building Committee and the site contractor and the Zoning Officer and the Town Engineer. They put up new silt fencing and hay bales, some trap rock to try to slow the water down. They had a pipe pointed right at Mr. Roche's property without any way to dissipate it, so I haven't been down since the last rain event, but they had, looked like they had it pretty secure.

Commissioner Lenares: How about the car?

Ed Meehan: I didn't see it.

Commissioner Pane: I don't think they corrected the silt fence along the property line, that was never corrected I don't think, Ed.

Ed Meehan: Well they re-stapled it and had it vertical the day I was there, unless it fell down again. I didn't see a car back there.

Commissioner Lenares: Really?

Ed Meehan: No.

Commissioner Lenares: He said if you parked on the road and walked.....

Ed Meehan: Well we walked over towards next door out towards the shed and I didn't see it.

Commissioner Lenares: Maybe it moved, thank you.

Chairman Hall: Other comments: All right, I would like to bring you up to date on the issue with the sign at the high school. At the conclusion of our last meeting you saw the letter that I wrote to Mr. Salamone. At that time I did not have an answer. That was Wednesday. By Friday I did have an answer, he did send it to me. He sent it to my home unfortunately, so it took a couple of days to get it. I had expected either e-mail or through Ed or whatever, but he did say that he understood what we were talking about, but that he had the right to do it and he pretty much stood behind his decision, so at that point I called him and I said that I would like to meet with you, you know, this is all well and good, but these letters back and forth really aren't doing much good. A week ago Monday we did have a sit-down and again, he reiterated the fact that he had every right to do what he did and that he understood that it was something that we maybe weren't crazy about, but that we were not making the decision, that it was his to make and therefore he was going to make it. He was very pleasant about it, don't get me wrong on that, it was just that he felt that what he did was absolutely all right.

Then I showed up at the Council meeting Tuesday night, and I had some other Commission members who came with me and I thank them for that, and I sat before the Council and explained that the Town Planning and Zoning worked long and hard to establish a sign policy that was clearly delineated in administrative letter #35 and that by his taking it upon himself to modify, or give that one time exception to the Board of Education, that we felt that it pretty much negated everything that we had done, and again, the position of the Manager is, that what he does is separate from what we do and that therefore what he does should be no reflection because the point that I keep trying to make, and therefore that is why I made the noise, was that by doing this any other petitioner who comes before us will cite that and say, there is a sign there, why can't I have one?

I found out during these weeks that Stew Leonard's had wanted a sign like that and early on was told absolutely not! There are other businesses that would love to have a sign like this. They of course refer to the Walgreen's sign as well, but this one will be a recent sign and therefore it makes our job that much more difficult.

I also at the end of the meeting asked if we could get together and have a little dialogue between TPZ and the Council to see if we could at least get some kind of resolution that we could all live with and the result of that is a letter dated July 20th, which you have in front of you. So, if you could take a minute, if you haven't read it, if you could take a minute to read that now because again, this is.....

Commissioner Aieta: Is this negating, is this letter supposed to negate us being able to go back to the Council and have a discussion about it? Is that what this letter is trying to do?

Chairman Hall: Well, it isn't not a negation as much as it is, let's try to resolve this issue so that it doesn't get any bigger, and let me tell you the bottom line here. It's no surprise, everybody knows this, at this point and I'm sure you do too. The sign has been bought. The sign is ready to be installed. The sign is a gift from, which I thought was a class, apparently it is some alumni fund that they now have, so it has been paid for. The permission was granted to do the sign. They have the right to do the sign, because they are exempt from zoning. Our position has been and will be, as far as I'm concerned that whatever they do, is their prerogative, we understand that, but at the same time it makes us that less powerful, I don't want to use the word powerful, that less effective in enforcing our own rules, so we have got to look at this letter and see, is this something that at least is a compromise, is something that, they are going to do it, and I think we need to know that they are going to do it, is this something that will at least have some of our input as far as moving the sign, making sure that it doesn't flash, making sure that it doesn't stay on later.

I found out the timing, the issue with the timing is that they wanted to have it on at least until ten o'clock because if they had a game and they won the game, they were going to be able to say, Congratulations Newington defeating Berlin 22-4, or whatever.

Commissioner Aieta: That's a good point, because the neighbors across the street are going to be able to say, well, we won the thing and I'll have to stay up until ten o'clock because the lights are flashing in my window, I mean, it's not fair to those neighbors at all.

Commissioner Pane: Never got an opportunity to speak about this!

Chairman Hall: No, and they won't. And that is essentially the bottom line here.

Commissioner Pane: Then maybe we will have the neighbors go to the Town Council and bring it up there. I am going to say too, Madam Chairman, this Town Manager didn't give the Town Council all of the facts, he only gave them the facts that he wanted to, and, this is a travesty that the Town Council said that we could come back and explain all the facts and now the Town Manager is trying to take our opportunity to go back to the Town Council away from us, so now we don't have the opportunity to meet with the Town Council and give them all the facts. Okay, not just part of the facts the Town Manager is giving. This is a policy decision by the Town Manager, he doesn't make policy decisions, only the Town Council makes policy decisions. This is disgusting and if this is the route that the Town wants to go, then I recommend that we take this out of our regulations completely and let everybody do it. Everybody! Matter of fact, I'll be the first one to apply for one.

Chairman Hall: That's your opinion, and that's fine and I'd like to hear from other people too. I know Domenic's feeling on this, and I'd like to hear others.

Commissioner Aieta: One other thing, what the Town Manager hunt his hat on, at the meeting was two things, first, he talked about that he had the authority to do this because there was already a sign regulation that was put in place in 2002 or 2004 when Featherston made this standardization of the sign ordinance. That's correct, but in fact, it was in co-operation with the Town Planner, the Town Zoning and there was no issue that the signs that they were trying to upgrade were in violation of the zoning regulations, so right there, that particular point, he is using the fact that Featherston came up with the sign standardization for the town building, but he fails to tell you that it was done in cooperation with the Town Planner and the town zoning and all of the things that they have done under that regulation were done in compliance with our regulations. What he is talking about now is not in compliance, it is prohibited by our zoning regulations, number one. Number two, he hung his hat on that he had a discussion with you, Mr. Ganley and that you represented the zoning board, saying.....

Chairman Hall: He didn't mention you by name, by the way.

Commissioner Aieta: But he said that he had a discussion with a member of the Zoning Board and he implicated that it was like he had permission from the zoning board because he had a conversation with you. He specifically stated it like that.

Commissioner Ganley: Never happened. The tape is on?

Commissioner Aieta: Yes.

Commissioner Pane: The tape can stay on.

Commissioner Ganley: The tape is on. Never happened.

Commissioner Pane: Never spoke with him at all about this?

Commissioner Ganley: Yes, I did speak with him at the awards night.

Commissioner Pane: Then you give him the wrong impression.

Commissioner Ganley: Excuse me, I have the floor. I asked him what it was, what the confusion was about why these three guys, it was Perlini at the time, Lou Jachimowicz, who was also there, and he was also there. I said, what is this issue with the sign, I said we are on the horns of a dilemma, we have the binding document in effect, at this time, is Featherston's administrative letter. How are we going to proceed? What are you guys going to do about this? That's what I told him.

Commissioner Aieta: Well, he.....

Commissioner Ganley: That's what I said. Now, he might have talked to another TPZ guy who may not reveal himself, but I am telling you that is what I said at the awards night at the Saugerbund.

Commissioner Aieta: Well he intimated that he had talked to a TPZ member and he had like an approval or a.....

Chairman Hall: No....

Commissioner Aieta: But he gave an impression that he used this as part of his rationale that he has the authority to make these kinds of decisions.

Chairman Hall: I think what he used was, I had talked to a member, and again, unnamed, I talked to a member who didn't see a problem with it, and interpret that however you will, but the bottom line here, as I said, it's going to be there, no matter what we do, because they have the right to do it, because they are exempt from zoning. If this is what they choose to do, at the same time, I am going to just let you know, and I want you to stand behind it, that if they do this, it is still without our agreement. That we still, as a body believe that the sign policy that we have in town is a good one and it's important that it be maintained. Taking this action, and the school board will because they have wanted this for a long time. I can tell you years ago.....

Commissioner Aieta: They probably bought it years ago.

Chairman Hall: Well no, because they didn't have the money. They didn't have the money until this year, but years ago they wanted this sign and.....

Commissioner Casasanta: Have we gotten any, or inquired from the Town Attorney as to whether or not this decision would impact or have any ramifications on any future decisions that we make for the general public.

Chairman Hall: No, because we can refer to this as the one time decision that it is, it is an exception, it is without our blessing and it is the Town Manager's doing. We had nothing to do with it, nor did we sanction it nor will we sanction it.

Commissioner Ganley: I have been mulling this thing over and Mr. Bowen, if you wouldn't mind paying attention. Thank you. I'm.....

Chairman Hall: Okay, let's please.....

Tom Bowen: Would you please take that back, I've been here since seven o'clock and.....

Commissioner Ganley: I noticed that you were contemplating and I want to get your attention.....to sort of cover everybody's back in relation to this whole thing it might be, it certainly would be in order for the Council to simply pass an ordinance which gives Council authority to do what it will with public property as it relates to signs, as opposed to doing this administrative letter.

Chairman Hall: No!

Commissioner Ganley: Because it then heads off the question that we are going to be faced with subsequent to this sign going up, where petitioners are coming in and saying I want to put a sign up on my property because you have one on public property. I'm saying, well, the town governs by ordinance usage of signs on public property. So if you want, we only do it on private property, we can regulate private property, we can't regulate public property. That seems to give cover to the Manager, gives cover to the Council and it just takes the heat out of this argument which we're not going anywhere with. The sign is going up! And if it wants to go up in a middle school a year from now, it's going to go up. If it wants to go up at a grammar school, it's going to go up and if it wants to go up in a public park, it's going to go up!

Commissioner Pane: It didn't go up at the Fire Station, we killed it at the Fire Station. That's public property.

Commissioner Ganley: They control public property. I hate to see this happening to us over an issue that quite frankly we don't control.

Commissioner Pane: We do have control. We stopped it at the Fire Station.

Commissioner Ganley: We're kind of at each other and we really have no business, no authority to act in this regard and that is troublesome.....

Chairman Hall: Please, by a show of hands I would like to have one at a time.

Commissioner Aieta: It brings up another point. Who is making the policy, as someone who has been involved in this town for thirty years in politics, who is making the policy decision? The Town Manager or the Town Council? The Town Council should be making these types of decisions and they are in a vacuum here because they don't know all of the facts, they don't know what was going on, and this guy is overstepping his bounds. He does not have the authority to

make a policy decision, and he is hanging his hat on miscommunication to the Town Council. It's in the record, I'd love him to read it.

Commissioner Pane: Thank you Madam Chairman. I'll state it again, it's a travesty that we are not going to be allowed to give all of the facts to the Town Council. I would like a letter from this board, going to the Mayor and the Town Council because we aren't allowed to go over there and give, they've taken us off the agenda because of this letter, unless we have some information.....

Chairman Hall: Let's just put it this way, at the agenda meeting it was discussed at length, believe me, they are taking this seriously, don't think they are not. At the same time, I think they realize that, how long is this going to go on, and what is our end product? They know what their end product is, they know....

Commissioner Pane: Just because they want it doesn't mean anything.

Chairman Hall: I'm not saying that I am happy with it, I'm just telling you what the facts are.

Commissioner Pane: Don't accept it!

Chairman Hall: Well, even if we don't accept it Domenic, it's going to happen.

Commissioner Pane: We aren't even getting the opportunity to give all the facts.

Chairman Hall: Okay, let's back up a minute. Which facts do you believe they were not given?

Commissioner Pane: First of all the Town Manager came across and he made it sound like we didn't approve anything and that there was all like A-frame signs up. We approved a sign that complied with our town plan and complied with our regulations. We approved something to take care of all the A-frame signs. That original letter from Featherston started because the Fire Station came in and they wanted a sign like that, okay, and we said it didn't comply with our Town Plan. A town plan that we are working hard with, the town plan that the Council wants, so there was a collaboration between the Town Manager, Featherston, our Town Planner, and this board and we came up with uniform signage for this town. We made the fire station comply with it, now are you telling me that the Board of Education is better than the firemen is this town? I'm not finished yet. We need an opportunity and I would suggest that we express it to the Town Council that this has to be put on hold until they get all the facts and this Town Manager cannot make policy decisions. He doesn't have the authority to do that. This is a policy decision. If the Town Council wants to do this, then we'll open it up and I have a long list of people who came in previously that wanted this type of signage. This is going to open up a big can of worms in this town, and we need to get this on the table, and we need to discuss it. It shouldn't make any difference whether or not the Board of Education purchased this or not. They probably purchased this when they first originally came into us. They have this attitude that they can do anything that they want, and it has to stop now. Thank you.

Commissioner Ganley: The first administrative letter I was not aware of how it was composed but the Town Manager at the time brought to the attention of the Council that they didn't formally vote on this, as far as I know, they didn't formally throw their holy water on the thing, so the only government document that we had available was one signed by the Town Manager, okay, let's say for instance that was not necessarily policy. But the Council, who was aware of it at the time, never made a decision at the time to say let's formalize it as a matter of policy. It went out, so it seems to me by acquiesce they approved what the Town Manager did.

Commissioner Pane: It wasn't just the Town Manager that did it.

Commissioner Ganley: Gee, can I.....

Commissioner Pane: You are getting the facts wrong. I was there, I was at the meeting, it was a collaboration between our Town Planner, this board and the Town Manager and it was presented to the Council.

Commissioner Ganley: But the Council didn't make it policy. They just were briefed on what it was, so the only, there is no documentation that says, the Council took a vote of such a date and they authorized the Manager to do certain kinds of things. The only thing we were faced with was this particular letter, that's all we ever saw, that letter. Now we have a new Town Manager, he issues his own letter.

Chairman Hall: A one time exception.

Commissioner Pane: I'm sure the Town Planner informed him of what was going on and gave him his opinion and he didn't take his opinion.

Chairman Hall: And that is his prerogative.

Commissioner Ganley: I don't think he is obliged to.

Chairman Hall: I'm not saying that we have to agree with him, I'm not saying that we have to like it. I'm telling you that these are the facts. This sign is here, the sign has been blessed to be installed.....

Commisisoner Aieta: By who, the Town Manager?

Chairman Hall: By the letter telling the school board, okay, move forward. At this point, they haven't done anything to my knowledge. They have not sent any surveyors out, they don't even know where it is going to go yet. It has come back that they understand that we are not happy. They understand that there may be things that may have to be done to it. We have to understand sadly that it is going to happen.

Commissioner Schatz: They are going to need electricity, do we have to give them a permit?

Commissioner Pane: I request that we ask Tom Bowen to come forward and join this conversation please. It's an important issue.....

Commissioner Aieta: I don't think that's right, the whole council.....

Commissioner Pane: He had some information for us, that he wanted to express to us. We have done this in the past, if he has a particular piece of information, not to go into a complete debate, but if he has some information that would shed light on something here then I propose that we ask him to come forward and shed light onto it. I'd like to know whether or not I'm going to get an opportunity to speak in front of the Town Council at the next meeting. And it looks like my right was taken away by this Town Manager.

Commissioner Ganley: I personally think that's improper, he's here as a guest, an observer, the fact that he is a member of the Town Council is only coincidental, his job is to be a liaison here.

Commissioner Pane: No, that's wrong. He is not the liaison.

Chairman Hall: Yes he is, he and Jay Botalico.

Commissioner Pane: I know Jay is, I didn't know that there were two.

Commissioner Ganley: I just think that is not proper.....

Commissioner Pane: What's the harm?

Commissioner Ganley: In effect, grilling anybody about.....

Commissioner Pane: We're not going to grill him, I'm not going to speak a word. I just wanted to hear the information that he wanted to give us.

Chairman Hall: I think it had to do with the agenda meeting, and I think that I answered that in the sense that they did bring it up at the agenda meeting, they did discuss it, and they did take it seriously, and as a result, I received this letter. Now, I'm not saying that we are not going to be on the agenda, because we could always go and be put on as an addition to their agenda if that is what we feel that we need. My hope tonight is to come to some kind of meeting around this table just as we did the first time when it was decided that I was going to write the letter, which I did, that I was going to go to the Council meeting, which I did, and we are now at this position, where we have this letter, we have a few more facts than we did the last time, and at this point what are we going to do?

Commissioner Ganley: I'd like to see us just get out of this thing.

Chairman Hall: Well, I think we all want to get out of this, but we have to figure out how.

Commissioner Casasanta: Personally I would like something from the Town Attorney stating that regardless of this decision, should some business down the road request a similar sign and we turn it down, that they because of the Town Manager's decision, they can't turn around and sue us over it. I would like some type of an opinion from the Town Attorney to that effect.

Commissioner Schatz: That sounds good.

Chairman Hall: Right, I think though that has already been established because in conversation, because that was one of my big questions, how does this protect us from the future coming in and saying, hey, you gave it to them, and the answer is because we did not make the decision, that the Town Manager made the decision, that it had nothing to do with us so therefore when we get another petition before us, we act on that position and the petition at the time. That it really has nothing to do.....

Commissioner Pane: What about the Fire Department?

Chairman Hall: Hey, you know, that's a possibility.

Commissioner Pane: They could have one there, what about Richard Street, what about at the schools. How can this Town Manager say that he is only allowing one?

Chairman Hall: That may happen.

Commissioner Schatz: I think I'd like to see it in writing from.....

Chairman Hall: Okay, you'd like something from the Town Attorney.

Commissioner Lenares: I think that's a great point what Mike said, but is it stated anywhere, whether it be in our regulations, the town's, I mean, I know that we all know this, but is it specifically written that the Town is not subject to the rules and regulations.

Chairman Hall: Yes, there is.....

Commissioner Lenares: I think that is our protection. It says it right there, I mean, a letter would be great, but there can't be any backlash as.....

Chairman Hall: Not for us there can't be.

Commissioner Lenares: No, we're kind of protected.

Chairman Hall: And that is why I wanted to be out there making as much noise as I could.

Commissioner Lenares: And I agree and when Lou was here, I was one of the first ones that said, wow, this sign is a nice thing, it's not a bad thing, but according to the board that we all sit on, our rules and regulations say that is not legal.

Chairman Hall: Right.

Commissioner Lenares: So that is where our board has to step in and say, according to our rules and regulations, this is how we feel. We don't feel that it is a bad thing for the town, Mr. Pruett said, you know, it's a step into the twenty-first century, it's a great thing, but according to what we abide by, it's not.

Chairman Hall: Exactly, and that is what we tried to express.

Ed Meehan: The citation on the Town exempting itself from zoning goes back to May 25, 1970. It's in Article 1.2.2 of the Zoning Regulations, Basic Requirements, just to acknowledge, but there is a big difference. The Town of Newington under the state statutes has the police power to regulate private property through zoning. When you adopt your zoning regulations, you set policy and that policy under Section 4 of the Sign Standards says that private property can't have flashing, rotating signs. It does not regulate, the Zoning Regulations do not regulate public land, because the Town Council back in 1970 exempted itself. That was done by ordinance, which is different than regulation. So.....

Commissioner Pane: But we still hold the Town to a high standard. The same high standard that you have expressed in the past, okay, like we held the Fire Department to, we held the Fire Department to a high standard and we did not allow them to put one in. So, why aren't we consistent?

Chairman Hall: We are, this was not our doing. We are consistent.

Commissioner Pane: It is really a shame that the public and the Town Council, not Council Commission here can't go to the Town Council and give them all of the facts. The Town Manager has left a lot of facts out.

Chairman Hall: Well, that's what I'm asking.....

Commissioner Pane: I think the public is going to be upset too with the Town Council allowing this to go forward once the public realizes it, over in that area.

Chairman Hall: And if they are, then they have the right to go before the Town Council just as we did and say, hey look, what is it. Maybe there needs to be more noise from other places. We have made our noise, this is our answer. There may have to be other people who don't like it, and you know what, you may be very surprised at the number of people who do like it, so you have both. It's not going to be known until that sign goes up what the future ramifications are. We know what our position is. Not on our watch!

Ed Meehan: If I could, I do sit on the agenda committee and I was at the last one earlier this week, and on the draft agenda this was an item under I think Old Business and it was discussed ten, fifteen minutes about this and it was taken very seriously by the people who set that agenda, a concern, but I think what they wanted to avoid and why it's not on the agenda, and they took it off for now, the agenda doesn't go out until Friday by the way, so it could be added if this Commission felt strongly, is they see a sensitivity of their role as the legislative body, as Town Council members versus your role as land use policy makers and decision makers and they didn't want to spend a Town Council meeting or part of a council meeting talking about sign design, and illumination and issues that are really the purview of this table. There's probably a bigger issue and that is the issue that Frank brought up of the administrative policy and the right of the Town Manager to enforce that. That's another discussion. That's the whole forest, and I think that the members that set that agenda saw the wisdom of not getting into a discussion where some Council members might say, well does it meet the brick design, does it meet the colonial design, and that's not the real issue here. There is a bigger issue here.

Commissioner Pane: The policy decision. Who has the right to make a policy decision?

Ed Meehan: I believe that is why, I agree with what was decided by the committee there, not that I have any influence on it, but I think it made sense to take it off their agenda, in that respect because to have a discussion of you know, how long it's going to be lit and where it's going to be located, that's window dressing. The bigger issue is the policy issue, and there is a time for that to happen. I don't know if it happens when this cools down a little bit, or when it happens, but I'll just give you that information from that meeting.

Commissioner Ganley: Thanks for reminding me, you told us about that exemption one other time and quite frankly, it slipped my mind, so the issue that I brought up about the town ordinance, well, it's already in there, our back is covered, I forgot that you brought that up at another date, about a month ago when that issue was first raised, so it is already in the town regs which are enforceable. Thank you.

Chairman Hall: Again, as I said about twenty minutes ago, we have stated our position, and we will continue to state our position. If and when the sign is installed the next phase will take over. I truly don't think this will be the end of it.

Commissioner Pane: Why are you giving up? Why can't we write a letter to the Town Council and why can't we go to the Town Council and talk to them about the policy decision? Whether or not this Town Manager is making the right decision?

Chairman Hall: But see, that is for the Council to decide, it is not for us to decide, and I think they will.

Commissioner Aieta: Domenic, if the Council wants to give their authority over to a bureaucrat, then that is up to them. If they don't have the guts to take and make policy decisions on items like that, then that is their problem. If they think that it is easier to let the bureaucrat make that decision, then that is their policy decision, then they are giving up their rights to make policy decisions.

Chairman Hall: We have to do what we have to do, and I think and I'm hoping to hear from you that you feel that we did what we could in the sense that, when something is done like that, we are not going to take it sitting down. I went as far as I possibly could, writing a letter, meeting in person and going before the Town Council.

Commissioner Pane: Madam Chairman, you did an excellent job.

Chairman Hall: Thank you. At this point, we have done as much as we can. It is now in other's hands. I need to hear from you, my Commission, as to how you want our next step to proceed. You've read the letter, you know what I have done, as a group, just as we did the last time, I need to hear from you what you think the next step is.

Commissioner Ganley: My own opinion is we ought to let this thing just end tonight. Just completely end tonight. I hate to see us picking a fight with our legislative body, you're like an automatic loser.....

Chairman Hall: Well, it's not their fault.

Commissioner Ganley: I understand that. I'm not talking about whose fault it is, I don't care whose fault it is, I would like to see the acrimony among us certainly end, that's the number one concern of mine, this back and forth, and it's kind of reached a rather high decibel, I must say. But I don't want to see us getting into a tit-for-tat with the Town Council, with the governing body. We do what we can, we regulate, they legislate. That's the key difference. Let's let this whole thing die, I just don't, we're already picking fights, we've got other things we have to do, we have really a lot on our plate, and I don't want to see this becoming an encumbrance to us doing some real economic development kinds of things, getting this plan underway, we've got some development options that are coming up, we've got a lot of our plate. I don't want to see us just banging our heads against the wall with this silly sign thing. I don't mean the word silly, I'm sorry withdraw that, with this sign issue coming before us and then a rebuttal and then a rebuttal to the rebuttal and then a letter to the letter to the letter and back and forth. I just would like to see it end tonight. That's my own opinion. Thank you.

Commissioner Kornichuk: I just don't see where else this can go. To me it seems like he's made his decision.....

Chairman Hall: Well, not only he.....

Commissioner Kornichuk: Well, according to this letter he made his decision, so I mean, how do you fight him?

Chairman Hall: He's the CEO.

Commissioner Schatz: Same thing. I think after you read the letter, the last paragraph, I think his nose is growing, like Pinocchio. Thank you for all this stuff, bringing it to him, and, forget it.

Chairman Hall: Domenic, do you want to say anything? Michael?

Commissioner Casasanta: I'm willing to let it go, but I would still like a letter from the attorney.

Commissioner Pruett: I respect what Mike has to say, but I think it's set in the regulations....

Commissioner Casasanta: It probably is, but I think just from a CYA perspective, and having it on the record, that's all it is.

Commissioner Pruett: That's just my opinion. I think you did a admirable job. If you have a personal disagreement with Mr. Salomone I suggest that you sit down and talk to him.

Commissioner Aieta: I'm glad that Mr. Bowen is here, because he can go back and at least tell his people what transpired at this meeting and what our feelings are, and it's going to be up to the Town Council to make a decision whether they are going to set the policy or if they are going to let the Town Manger set the policy in instances like that, and that is a decision that they have to make. I'm glad that he is here to be able to bring it back to them. Thank you.

Commissioner Lenares: I agree with what Frank just said, and I appreciate Mr. Bowen being here so long and listening to our concerns and I just would like to say again that the sign that came before us, we operated according to our rules and regulations, decided on that, and I feel strongly that this board made the right decision, according to our rules and regulations, and I just would like to, once again, extend the appreciation to you Cathy, that you wrote the initial letter, was at the Town Council meeting with a couple of other members that attended with you, and it speaks volumes for the Commission that you lead us in the right direction, and I appreciate that.

Chairman Hall: Thank you.

Commissioner Camerota: I think at this point that there really isn't much else that you can do. You could respond to this letter, but I think it's pointless to do so. We've already seen the position, you went to the Town Council meeting, he's added some of our concerns, but there are probably more concerns that aren't in here.....

Chairman Hall: And there will be and they will arise as the project moves forward, and it's up to the others who have to place it and regulate it for safety and whatever. This is far from over in the sense that the final product is somewhere down the road, but.....

Commissioner Camerota: I think it's just better to leave it alone, and as I said before I thank you for taking the lead on this for us and representing our position and going to bat for us.

Chairman Hall: Well, I appreciate your support too, because I got a very strong sense from you that this was something we could not just let pass. The fact that we had very specific regulations that we felt were being totally ignored could not go unnoticed.

Commissioner Pane: Thank you Madam Chairman. I want to thank you for all your work, I want to thank Councilor Bowen for coming here and listening to this. I just want to state a couple other facts. I want to make sure that he understands that sign regulation didn't comply with our 1995-2005 Plan of Conservation and Development. It doesn't comply with our new town plan, and it doesn't comply with our regulations. Also, I would like to know how the Town Manager is going to treat another public agency, like the Fire Department or another public property when they want to come in for one. How could he stipulate one time and only for the school? This is going to lead to big problems if some other people want to come in with the town, and then, you are going to have several of them on public property, and then our regulations aren't going to be....it's kind of unfair for the rest of the people.

Also, before they set this sign up, they have to go to our Traffic Authority, which is our Town Planner. I'd like to understand how our Traffic Authority is going to allow something that, when you go down the street the sign is sixty feet to the right angle, you have to turn your head, thirty-five, forty degrees to look at this sign and read it. Very, very important! I hope he makes the right decision before he allows this sign because he has the final say. Thank you Madam Chairman.

Chairman Hall: We're right behind you, Ed.

Chairman Hall: Anybody else? I'd like to put this to rest. Thank you for your input and thank you for your patience, but again, I feel that this year we have resolved quite a few issues by being able to talk about it, and I do appreciate the fact that you are all willing to give me your opinion and it certainly helps me with my decision.

XI. STAFF REPORT

- A. Bond reduction Request – 256 New Britain Avenue – Bel-Air Manor
- B. Bond Extension Request – 426 Hartford Avenue.

Discussed under Old Business.

XII. ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Casasanta. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary